
UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF TEXAS

UNITED STATES OF AMERICA

versus

ANTHONY JAMES BEROTTE

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CASE NO. 1:08-CR-86

**MEMORANDUM ORDER ADOPTING
REPORT AND RECOMMENDATION ON COMPETENCY**

This Court previously ordered that the defendant be committed to the custody of the Attorney General to determine whether there is a substantial probability that Mr. Berotte would attain the competency to proceed under 18 U.S.C. § 4241(d). The Court referred this matter to United States Magistrate Judge Keith F. Giblin for further consideration of the defendant's competency.

After conducting a hearing to address the most recent psychiatric report, Judge Giblin filed his Second Report and Recommendation on Defendant's Competency to Stand Trial (#18). Judge Giblin concluded that Mr. Berotte's condition is so improved that he is competent to stand trial under 18 U.S.C. § 4241. The parties have not objected to the magistrate judge's findings and recommendation. The Court **ORDERS** that Judge Giblin's Second Report and Recommendation on Defendant's Competency to Stand Trial (#18) is **ADOPTED**. The Court further **ORDERS** and **FINDS** by a preponderance of the evidence that the defendant is competent to stand trial pursuant to Title 18, United States Code, Section 4241.

SIGNED at Beaumont, Texas, this 16th day of April, 2009.



MARCIA A. CRONE
UNITED STATES DISTRICT JUDGE